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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,106	04/01/2002	Klaus Ritter	5275-7PUS	3178

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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,106

Applicant(s)

RITTER ET AL.

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/1/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09042001,02082001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because "(Fig. 1)" in the last line should be removed. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. **Claim 8** is objected to because of the following informalities: "ink" in line 5 should be - - link - -. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1-15** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "the straight link wires" in line 7 which lacks proper antecedent basis.

Claim 1 recites "the latter" in line 9 which lacks proper antecedent basis.

Claim 13 recites "the trimming" in line 2 which lacks proper antecedent basis.

Claim 15 recites "if occasion arises" in the second to last line which renders the scope of the claim unclear.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Indave (EP 0 094 809 A2) in view of Ritter et al. (WO 96/03234).

Indave teaches a method for the continuous manufacture of structural members, in which two parallel, flat wire mesh mats **2** comprising longitudinal **2-3** and transverse **2-2** wires intersecting with each other and welded together at points of intersection are advanced on a production line (fig. 3) and between the wire mesh mats **2** is introduced an insulating body **1**, whereupon the straight link wires **2-1** are passed through the insulating body **1** and with their ends welded to the wire mesh mats **2**, so that the latter are held a predetermined distance apart, characterized in that first an endless, coherent web of insulating material **1** is advanced and then the insulating body **1** is cut off **5** this web of insulating material **1** in a selectable length.

Indave teaches providing a reel of insulating material **1** rather than providing individual panels of the insulating material.

Ritter et al. teach that it is known to provide either a reel of insulating material or individual panels of insulating materials **I** (see fig. 1).

It would have been obvious to one of ordinary skill in the art, at the time of the invention,

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to have provided the invention of Indave with individual panels of insulating material, in light of the teachings of Ritter et al., in order to provide insulating material that is flatter than those provided from a reel.

7. **Claims 2-4, 8-10, 13, 14, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Indave in view of Ritter et al. as applied to claim 1 above, and further in view of Brown et al. (6,564,521).

Indave/Ritter et al. teach the invention cited with the exception of the end faces of the panels joined together in form-locking and force-locking relationship by clamping.

Brown et al. teach that it is known to connect the end faces of panels **40** in form-locking and force-locking relationship by clamping **36,26,38,24**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Indave/Ritter et al. with the end faces of the panels joined together in form-locking and force-locking relationship by clamping, in light of the teachings of Brown et al., in order to provide additional structural strength and a positive alignment as suggested by Brown et al. at col. 7, lines 20-22.

Regarding claim 4, Brown et al. teach a tongue and groove clamping joint **36,26,38,24**.

Regarding claim 8, Ritter et al. teach an advance mechanism **25**.

Regarding claim 9, Brown et al. teach a cutting device **5** (page 15, lines 11-15).

Regarding claim 10, at the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art, to have used a cutting wire because applicant has not disclosed that a cutting wire provides an advantage, is used for a particular

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purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either the cutting means taught by Brown et al. or the claimed cutting wire because either cutting means perform the same function of providing a clean cut equally well.

Regarding claim 13, Ritter et al. teach various cutting devices which cut the panels **I**.

Regarding claim 14, Indave teach cutting devices **5**.

Regarding claim 15, Ritter et al. teach a transporter **3'** for taking wire mesh mats **3'**, an insertion device **4'**, a shaping device **8'**, a drivable advance roller **6'**, a conveying device **1**.

8. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Indave in view of Ritter et al. and Brown et al. as applied to claim 3 above, and further in view of McGath et al. (5,344,700).

Indave/Ritter et al./Brown et al. teach the invention cited with the exception of using an adhesive at the faces of the panels.

McGath et al. teach that it is known to use adhesive at the faces of panels (col. 1, lines 26-28).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Indave/Ritter et al./Brown et al. with an adhesive at the faces of the panels, in light of the teachings of McGath et al., in order to securely fasten the adjacent panels to each other.

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9. **Claims 6, 7, 11, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Indave in view of Ritter et al. as applied to claim 1 above, and further in view of McGath et al.

Indave/Ritter et al. teach the invention cited with the exception of using an adhesive at the faces of the panels.

McGath et al. teach that it is known to use adhesive at the faces of panels (col. 1, lines 26-28).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Indave/Ritter et al. with an adhesive at the faces of the panels, in light of the teachings of McGath et al., in order to securely fasten the adjacent panels to each other.

Regarding claims 7 and 11, at the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art, to have used heating and welding because applicant has not disclosed that heating and welding provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either the adhesive taught by McGath et al. or the claimed heating and welding because either bonding methods perform the same function of securely fastening the panels together equally well. Furthermore, official notice is taken that it was well known to a person of ordinary skill in the art at the time of the invention, to have used heating and welding to securely fasten the panels together.

Contact Information

10. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

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Marc Jimenez
Patent Examiner
AU 3726

MJ

March 31, 2004